

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q91454

Yoshiji TAKEMOTO

Appln. No.: 10/562,579

Group Art Unit: 1621

Confirmation No.: 7875

Examiner: KATAKAM, SUDHAKAR

Filed: December 27, 2005

For: ASYMMETRIC UREA COMPOUND AND PROCESS FOR PRODUCING  
ASYMMETRIC COMPOUND BY ASYMMETRIC CONJUGATE ADDITION  
REACTION WITH THE SAME AS CATALYST

**STATEMENT OF SUBSTANCE OF INTERVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please review and enter the following remarks summarizing the telephone interviews conducted on July 16, 2009, July 27, 2009 and July 28, 2009. **Since the filing of this Statement was necessitated by the PTO requirement in the Interview Summary of July 23, 2009 that Applicants must file a statement of substance of the interview, Applicants submit that the Patent Term Adjustment in this application should not be reduced due to the filing of this Statement.**

**REMARKS**

An Examiner's Interview Summary Record (PTO-413) was attached with the Office Communication dated July 23, 2009.

During the interviews, the following was discussed:

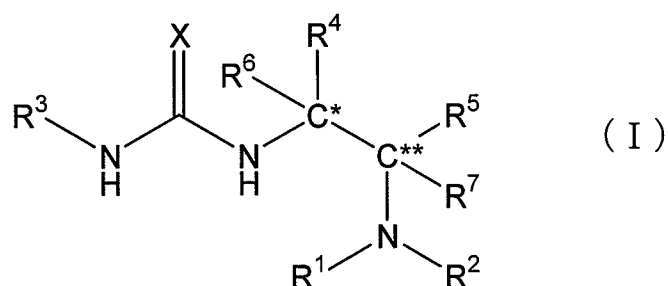
1. Brief description of exhibits or demonstration: None

2. Identification of claims discussed: Claims 1, 3-5 and 17-19
3. Identification of art discussed: Pandey *et al.*, Pharmacological Research

Communications, 1981, vol. 13, No. 1, pages 65-74 (Pandey)

4. Identification of principal proposed amendments<sup>1</sup>:

Claim 1. (currently amended): A compound represented by the formula (I):



wherein

X is a sulfur atom;

C\* and C\*\* are each independently an asymmetric carbon;

R<sup>1</sup> and R<sup>2</sup> are

the same or different and each is methyl, ethyl or isopropyl, or form isoindoline together with the nitrogen atom they are bonded to;

R<sup>3</sup> is

a lower alkyl group optionally having substituent(s), an aralkyl group optionally having substituent(s), an aryl group optionally having substituent(s) or a heteroaryl group optionally having substituent(s);

R<sup>4</sup> and R<sup>5</sup> are

the same or different and each is a lower alkyl group optionally having substituent(s), an aralkyl group optionally having substituent(s) or an aryl group

---

<sup>1</sup> Proposed by Examiner Katakam.

optionally having substituent(s), or R<sup>4</sup> and R<sup>5</sup> optionally form, together with the asymmetric carbons they are respectively bonded to, a homocyclic ring optionally having substituent(s) or a heterocycle optionally having substituent(s); and R<sup>6</sup> and R<sup>7</sup> are the same or different and each is a hydrogen atom or a lower alkyl group optionally having substituent(s), or a salt thereof.

Claim 19. (currently amended): The compound of claim 1, wherein R<sup>4</sup> and R<sup>5</sup> optionally form, together with the asymmetric carbons they are respectively bonded to, a homocyclic ring optionally having substituent(s) or a heterocycle optionally having substituent(s).

4. Brief Identification of principal arguments: The Office Action of March 27, 2009 cites Pandey as disclosing a compound that renders obvious the present invention. However, in view of MPEP § 2144.09, since Pandey's compound only has utility as an intermediate, the § 103 rejection based on Pandey should be withdrawn.

5. Indication of other pertinent matters discussed: The Examiner proposed amendments to the claims.

6. Results of Interviews: The Primary Examiner indicated that the § 103 rejection based on Pandey should be withdrawn in view of MPEP § 2144.09. The Examiner entered the proposed amendments to claims 1 and 19 via Examiner's Amendment and indicated that it is unnecessary to file a Supplemental Amendment to supplement the Amendment filed June 27, 2009 since the application is in condition for allowance.

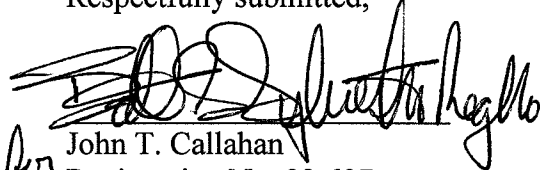
STATEMENT OF SUBSTANCE OF INTERVIEW  
U.S. Application No.: 10/562,579

Attorney Docket No.: Q91454

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

**It is believed that no petition or fee is required.** However, if the USPTO deems otherwise, Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,

  
John T. Callahan  
Registration No. 32,607

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: August 14, 2009